

PERSONNELMilitary Leave: Training/Governor's Call
and Call to Active DutyA. Training/Governor's Call

Military leave not to exceed fifteen (15) work days in any federal fiscal year (October 1-September 30) will be granted to full-time employees. Such leave is for the purpose of fulfilling obligations to reserve components and in response to orders issued by the Governor under the Code of Virginia. There shall be no loss of pay for employees on these categories of military leave.

A written request for military leave with a copy of the official orders for duty must be presented to the employee's supervisor as the military advises the employee of his/her schedule.

B. Call to Active Duty

1. Granting of Military Leave and Duration

- a. Employees will be granted leave without pay for entrance into active duty with the armed forces.
- b. Leave shall only be granted for active military service for those dates stated in the employee's military orders or on other support documents submitted from a responsible military official.
- c. Employees are entitled to military leave and reinstatement provided that the length of service does not exceed two years unless there is an extension beyond the two years for one of the following reasons:
 - (1) Active military service requested by and for the convenience of the federal government. Written documentation supporting this stipulation must be provided to the Director of Personnel;
 - (2) Periods fixed by the Governor;

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(continued)

- (3) An employee's hospitalization, associated with the active duty and continuing after discharge from military service, for a period of not more than one year.

2. Physical Examinations for the Military

An employee who is scheduled for a physical examination for military service during working hours, including but not limited to preinduction physicals, shall be given a leave of absence with full pay up to, but not exceeding, eight hours annually. The leave records should show "military leave with pay-physical" for these hours.

3. Responsibilities of the Employees

- a. An employee must furnish the central office with a completed leave request form and acceptable documentation from a responsible military official indicating the dates of active duty. Whenever possible, employees should give at least two weeks notice prior to anticipated entrance into the service.
- b. In cases of emergency call-up, the employee should notify his or her supervisor of the call-up for duty as soon as possible.

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4. Status of benefits for Employees Placed on Leave Without Pay for Military Service
 - a. Service Credit - An employee will accrue credit toward continuous division service for the duration of leave without pay for military service, and past division service credit will be retained.
 - b. Annual (Vacation) Leave Balances - An employee has the option to retain leave balances.
 - (1) Annual leave balances will be frozen.
 - (2) An employee will not accrue annual leave credits while on military leave without pay. However, upon return for division service, an employee's annual leave accrual rate will be calculated to include the period of military leave without pay.
 - (3) Unused annual (vacation) leave balances retained when the employee was placed on leave without pay will be reestablished upon return to division service.
 - c. Sick Leave Balances
 - (1) Sick leave balances will be frozen.
 - (2) An employee will not accrue sick leave credits while on military leave without pay. Credit for years of continuous division service will be calculated when the employee returns to the division service and will include the period of leave without pay for military service.

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4. Status of benefits for Employees Placed on Leave Without Pay for Military Service (continued)
 - c. Sick Leave Balances (continued)
 - (3) Unused sick leave balances will be reestablished upon return to division service.
 - d. Health Insurance - Health insurance may be discontinued during the period of military leave without pay (See Regulation R5-33.3)
 - e. Life Insurance - Coverage will continue for up to twenty-four (24) months after the employee is placed on leave without pay for military service. The school board may make the full contribution for up to twenty-four months.
 - f. Retirement Benefits - Contributions to retirement will be discontinued when an employee is placed on leave without pay. A reinstated employee will be given credit towards retirement for the period of military leave. Upon reinstatement to division service, the employee must provide VRS with appropriate documentation in order to receive this credit.
5. Reinstatement from Military Service
 - a. Conditions - Upon satisfactory completion of military service, the employee is entitled to reinstatement to his or her former position or to a position of like seniority, status, pay, and location provided that:

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5. Reinstatement from Military Service (continued)

- (1) The employee makes a request for reinstatement to the superintendent within the proper time frames established under the Federal Veterans Reemployment Rights statute. Normally, these time frames are as follows:
 - (a) Within 90 calendar days after release from initial active duty, or from hospitalization associated with the active duty which continues after discharge for a period of not more than one year.
 - (b) Within 31 calendar days after release from initial active duty for training, or from hospitalization associated with active duty which continues after discharge for a period of not more than one year.
- (2) The employee shall present the Director of Personnel with a certificate attesting to the satisfactory completion of military service. The school board is not obligated to reinstate an employee who has not satisfactorily completed military service or training. In such instances, eligibility for reinstatement should be evaluated on an individual basis, taking into consideration the employee's military record and work history with the division.

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5. Reinstatement from Military Service (continued)

- (3) The employee is still qualified to perform the duties of the former position;
 - (a) If an employee becomes disabled during military service and cannot perform the duties of the position to which otherwise entitled, efforts must be made to place the employee in the nearest comparable position for which qualified, based upon the physician(s) recommendation(s) as to ability to perform the job. If no placement is possible, the employee will be considered affected by a staff reduction as provided for in Section 22.1-304 of the Code of Virginia.
 - (b) If an employee no longer meets the minimum qualifications of the former position because of a change in job duties, the employee must be offered a position for which the employee is qualified and which is of like seniority, status, pay, and location. Before placing the employee in another position, the employee should be offered any training that might increase his or her ability to perform the job, if the training would have been available had no military service occurred.

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5. Reinstatement from Military Service (continued)

- (c) If the position an employee formerly held has been abolished, the employee shall be placed in a position comparable in status and pay to the one previously held.
 - (d) If such a position is not available, the employee shall be considered affected by a staff reduction as provided for in Section 22.1-304 of the Code of Virginia.
- b. Effective Date - The employee will be reinstated within a reasonable period of time after making application for reinstatement. A "reasonable period of time" normally is considered to be within five to ten work days. Longer periods may be necessary depending on the circumstances.
- c. Salary and Proficiency Increases - Normally, the salary will be determined as though the employee had not left the position.
 - (1) Normally an employee will return to the same classification, salary grade, and salary step held at the time of being placed on leave without pay. In addition, the employee will receive a salary increase of one pay step for each proficiency increase the employee would have received had division service continued uninterrupted. The employee's salary must also reflect any classification regrade which may have occurred to the employee's

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5. Reinstatement from Military Service (continued)

classification during the period of
military leave.

Legal Reference: Through June 30, 1997

Code of Va., §44-75.1. Militia state active duty.
(1993)

Code of Va., §44-93. Leaves of absence for employees
of Commonwealth or political subdivisions. (1991)

Title 38, U.S. Code, Chapter 43. Veteran's Re-
employment Rights.

Code of Va., §22.1-304. Re-employment of teacher who
has not achieved continuing contract status; effect of
continuing contract; resignation of teacher; reduction in
number of teachers. (1996)

Approved by Division Superintendent: June 9, 1992